

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JESSE JAMES WILLIAMS, JR.,)
Plaintiff,) 8:03CV240
vs.) MEMORANDUM AND ORDER
KELLY STEENBOCK,)
Defendant.)

This matter is before the court on filing no. 23, a letter from the plaintiff, Jesse James Williams, Jr., which has been docketed as a Motion to Reopen Case. Upon review of the letter, it appears that the plaintiff is inquiring why the court dismissed the above-entitled case. The short answer to the plaintiff's question is that he sued a public defender pursuant to 42 U.S.C. § 1983 for violation of his civil rights. However, an action pursuant to § 1983 can be brought only against a person who acted under "color of state law." The U.S. Supreme Court has held that a public defender does not act under color of state law for purposes of § 1983 when performing traditional functions as counsel for the defendant in a criminal prosecution. See Polk County v. Dodson, 454 U.S. 312, 321-22 (1981).

IT IS THEREFORE ORDERED:

1. That filing no. 23 is granted insofar as the plaintiff seeks information but is denied insofar as the plaintiff seeks to reopen this case; and
2. That the Clerk of Court shall send the plaintiff a copy of filing nos. 20 and 21, together with a copy of this Order, at the address provided in filing no. 23.

DATED this 17th day of January, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge